

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVE SETNIKER  
P.O. BOX 338  
INDEPENDENCE, OREGON 97351

This Certificate confirms the right to use the waters of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 38.4 ACRES.

This right was perfected under Permit 40168. The date of priority is DECEMBER 17, 1975. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.48 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS BEING LOCATED IN THE SE 1/4 NW 1/4 AS PROJECTED WITHIN W. PRATHER DLC 67, SECTION 35, TOWNSHIP 9 SOUTH, RANGE 4 WEST, W.M.; 1520 FEET SOUTH AND 1540 FEET EAST FROM THE NW CORNER OF SECTION 35), or its equivalent in case of rotation, measured at the diversion from the source.

The point of diversion is located as follows: SW 1/4 NW 1/4, AS PROJECTED WITHIN T. BURBANK JR. DLC 43, SECTION 22, T 8 S, R 4 W; 2300 FEET SOUTH AND 1150 FEET WEST FROM THE EASTERLY NE CORNER OF DLC 43.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use to which this right is appurtenant is as follows:

SW1/4 SW1/4	3.6 ACRES
SE1/4 SW1/4	2.2 ACRES

BOTH AS PROJECTED WITHIN A. BURBANK DLC 41  
SECTION 9  
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.

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Certificate Number 81459

NE1/4 NW1/4 7.6 ACRES  
NW1/4 NW1/4 11.4 ACRES  
BOTH AS PROJECTED WITHIN A. BURBANK DLC 41  
SECTION 16

NE1/4 NE1/4 5.8 ACRES  
AS PROJECTED WITHIN T. BURBANK JR. DLC 43  
SECTION 21

NW1/4 NW1/4 7.8 ACRES  
AS PROJECTED WITHIN T. BURBANK JR. DLC 43  
SECTION 22  
TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.

The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used at each of the new points of appropriation. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

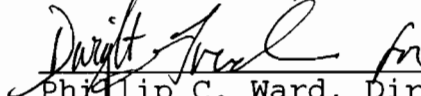
The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed prior to beginning of construction and shall be installed under the general supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

This certificate is issued to confirm a change in PLACE OF USE AND CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 1, 2002, and together with Certificate 79917, supersedes Certificate 79463, State Record of Water Right Certificates.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining flows.

ISSUED MAY 24, 2005.

  
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Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81459.

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